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TAGS: [MOPS](#) [PHUM](#) [PINS](#) [PGOV](#) [KJUS](#) [IZ](#)

SUBJECT: UPDATED STATUS OF IRAQI DETAINEE ABUSE INVESTIGATIONS

REF: A. BAGHDAD 4745

[B](#). BAGHDAD 4716

[C](#). BAGHDAD 4672

Classified By: Classified by Evan Reade, Acting Counselor for Political-Military Affairs for Reasons 1.4 (b) and (d)

SUMMARY

[1](#)1. (S/NF) Three committees investigating human rights abuses committed against 168 detainees at the Iraqi Ministry Interior (MOI) Bunker facility and others at similar facilities nationwide are making uneven progress. The mandate of some committees has been overwhelmed by the political agenda of Shi'a politicians close to the PM's office and MOI; others may yet prove productive.

BACKGROUND

[1](#)2. (SBU) In the wake of the November 13 discovery of 168 detainees - many bearing marks of physical abuse - in overcrowded and unsanitary conditions at an unofficial MOI detention facility in the Jadriyah district of Baghdad (the "Bunker"), the Prime Minister appointed two committees to address allegations of detainee abuse by Iraqi authorities:

(i) a Bunker Investigation Committee led by Deputy Prime Minister Rowsh Shaways and comprised of assorted Iraqi officials and private citizens, tasked with reporting on Bunker detainees' allegations of abuse;

(ii) a National Investigation Committee led by PM military assistant Major General Talib al Kinani and comprised of representatives from the Ministries of Health, Justice, and Human Rights, tasked with inspecting Iraqi detention facilities nationwide.

In addition, a third committee comprised of investigating judges has been established by Judge Medhat al Mahmood, Chief of the Iraqi Higher Juridical Council, to assess the legality of Bunker detainees' imprisonment, recommend their future disposition, investigate allegations of abuse and murder, and consider charges against Iraqi officials involved.

NOVEMBER 27: INTERVIEWS AT ABU GHRAIB

[1](#)3. (SBU) On November 27, members of the Bunker Investigation Committee visited Abu Ghraib to conduct interviews with detainees removed on November 13 from the Jadriyah Bunker (currently housed in a separate detention compound usually reserved for Coalition security internees awaiting release). Embassy Rule of Law (ROL) Coordinator, MNF-I Deputy Chief of Staff for Intelligence, and PolMilOff were present.

[1](#)4. (S/NF) Upon arrival at Abu Ghraib, the committee leader - Rashid Majid Salih Khattab al Nasiri, a medical doctor and prominent Da'wa Party member - selected a small group of detainees from the crowd, seemingly at random, and ordered that they be brought to the tent reserved for interviews and seated in rows of plastic chairs before the committee.

[1](#)5. (S/NF) Committee members watched as Dr. al Nasiri asked selected detainees to unzip their jumpsuits to the waist, then inspected their feet (most were wearing sandals). Dr. al-Nasiri expressed impatience with detainees who interrupted the brief examination to report threatening behavior or other complaints against MOI officials, exclaiming "I am here to see scars, not to talk about bad words!"

[1](#)6. (S/NF) Some committee members - who represented

the Ministry of Transitional National Assembly (TNA) Affairs and Baghdad City Council, as well as the Ministry of Human Rights (MoHR) - showed a keener interest in the cause of detainees' imprisonment than in their physical treatment, repeatedly asking one detainee "why have you put your thumbprint confessing to a crime if you are innocent?".

17. (S/NF) After interviewing three groups of detainees, a total of 18 from the 166 present, the committee declared its work done, and packed up. MoHR Prison Inspector Saad Sultan, present at his own behest, expressed frustration with the committee members' performance, saying they had "no information and no knowledge" of human rights investigations.

18. (S/NF) Mr. Sultan was also pessimistic about the value of the Judicial Committee's review of the legality of the MOI Bunker detainees' imprisonment, noting that judges present at the Bunker had failed to report physical abuse and lack of access to counsel. "Iraqi judges are involved in illegal detentions," he said, "and these judges you bring don't have the power to say other judges are wrong".

NOVEMBER 28: CONSULTING WITH DPM SHAWAYS

19. (S/NF) The following day, MNF-I Commander Task Force 134, Embassy ROL Coordinator, Political Counselor, and PolMilOff visited DPM Shaways at his home. ROL Coordinator told the DPM that, speaking bluntly, the interviews performed by the Bunker Investigation Committee at Abu Ghraib had been cursory at best. (Note: the DPM previously expressed concern about the committee's capability; see Reftel A.)

110. (S/NF) DPM Shaways agreed that the committee's efforts were inadequate: "I have told the PM we need much more time," he said, "that we need to repeat this, that we need to ask individuals about these matters singly, that we need a list of questions". He also noted that he had asked the MOI to prevent officials accused of abuse at the Bunker from departing Iraq.

111. (S/NF) The DPM was more positive about the role of the Judicial Committee, saying he had high respect for Judge Medhat, and agreed with the judges that all Bunker evacuees should be moved in short order to an Iraqi facility. He pledged to ask the judges "to accelerate the investigation into cases of detainees without charges and to release those against whom there is no evidence".

112. (S/NF) The DPM advocated more substantial MoHR involvement in the investigation, and was interested by the idea of requesting assistance from an international organization such as the International Committee of the Red Cross. But he seemed shy of advocating these proposals himself, suggesting instead that Post and MNF-I raise these issues with the PM.

113. (S/NF) In closing, the DPM noted the importance of continued USG engagement with the ITG on the Bunker issue, and the broader issue of detainee abuse. "There are some," he said, "like Safa al Safi (Reftel A), who object to that. But we will ensure that these meetings are open. I personally think it is necessary."

NOVEMBER 29: MG AL KINANI ON NATIONWIDE INSPECTIONS

114. (C) Major General Talib al Kinani opened the first joint USG-ITG meeting on the PM's six-point-plan proposal for nationwide inspections of all Iraqi detention facilities with an explanation of his committee's mandate, and a pledge to start inspections as quickly as possible - "in'shallah, as soon as one week".

115. (C) MG al Kinani confirmed that he planned on surprise inspections, saying "the PM has charged us to convey the reality of what has happened in these facilities". His intent, he continued, was to start with MOI facilities - "there is a lot of corruption" - and to move next to Ministry of Defense holding cells. The Ministry of Justice, whose prisons were already inspected regularly, was a lower priority.

116. (S/NF) While MG al Kinani thanked Post and MNF-I profusely for their repeated offers of support, he avoided specific commitments to joint efforts in

planning or execution, aside from assuring us that he would "share our reports with you, of course" and saying that "when we need help, we will ask it from you, in a second".

117. (S/NF) When offered the advice of MNF-I technical experts in detention conditions and inspections, al Kinani nodded enthusiastically, saying "we will learn and benefit from you guys, as a friend." He also requested access to Coalition intelligence about the location of additional detention facilities. It was clear, however, that he saw the USG role as limited.

118. (S/NF) Asked about methods of inspection, al Kinani said he envisioned small ITG teams posing as human rights organizations, which would present themselves unannounced at detention facilities "with different IDs, in different cars - sometimes even taxis" in order to avoid "a big event with media attention, security, where the Americans are going into this prison".

119. (S/NF) Al Kinani was frank about the likelihood that additional Bunkers lay undiscovered, saying "there are places all over, prisons we're looking at - and the holding areas can be worse than the prisons. We know that MOI and MOD are doing that right now. And we have to find these places. Even if they hate us, that's fine with us."

NOVEMBER 29: THE INITIAL REPORT IS (NOT) PRESENTED

120. (C) Later that afternoon, CDR TF 134, ROL Coordinator, COS for Intelligence and PolMilOff attended a meeting of the Bunker Investigation Committee, at which the committee was to present its findings from the Abu Ghraib interviews and its initial report on abuse allegations. In the absence of DPM Shaways, whose mother passed away in the Kurdish region that morning, the meeting was chaired by Minister of State for TNA Affairs Safa al Safi.

121. (S/NF) Dr. al Safi opened by requesting that USG officials sit on one side of the table (USG and Iraqi officials had taken mixed seats, informally). He then warned Iraqi committee members in Arabic not to talk about copies of the initial report (which most members had in front of them on the conference table) "in front of everybody".

122. (S/NF) Dr. al Safi then launched into accusations directed at USG officials. The Bunker had held 171 detainees, he said, but MNF-I had only 168 at Abu Ghraib. The Bunker Director had told him, he said, that "the Americans took everyone, in one big group, not in an orderly way. That's why we want to know, where are these three? Where? They could be anywhere".

123. (S/NF) "When Coalition Forces came in," said Dr. al Safi, "we removed our hands. The Coalition Forces took our power. So we ask: were the detainees removed with or without authorization? Were Iraqi officials present? Were files removed, and were they signed for? This poses a problem for us; there is no coordination. We know files were destroyed."

124. (S/NF) Dr. al Safi brushed aside USG comments that 168 detainees had been jointly counted by USG and ITG officials, and that all files had been sealed and entered into the custody of Iraqi judges. "We're not saying that tortures took place," he countered, "but for now, we just have one word against another. We need for you to give us details and evidence, if you want us to talk to people about these crimes".

125. (S/NF) Acting Minister of Human Rights Narmin Othman, seated to Dr. al Safi's right, objected to comments by committee members echoing Dr. al Safi's accusations. "You are defending those officials at the Bunker," she said loudly, turning to face all Iraqi committee members, "and I will never do that."

126. (S/NF) We pledged to give Dr. al Safi additional copies of the substantial documentation already provided to the ITG on abuses - including murder - at the Bunker. Dr. al-Safi questioned the quality of the reporting he had seen so far. "These reports cite 'a witness,' he said. "What is a witness? In court, you cannot convict without 100% evidence. It's not enough to say somebody has heard, that somebody knows."

127. (S/NF) Dr. al Safi closed the session by voicing unfounded complaints that the USG had released provocative photographs of abuse to Iraqi TV stations. "In the media, they're showing a picture of a man who

is supposed to be a torture victim - and he is wearing a gun on his hip," he said. "The media will ruin this investigation."

COMMENT

128. (S/NF) To date, the USG has provided the ITG with lists of detainees whose legal status is unresolved, lists of reported deaths in custody, lists of officials working at the Bunker, and a comprehensive intelligence picture of the facility's establishment, history, and the role played by MOI leadership. The ITG has taken no action to use this information as a basis for substantive investigation.

129. (S/NF) The incompetence of the Bunker Investigation Committee and the intransigence of its Acting Chairman clearly need to be addressed; we will raise this issue with DPM Shaways as soon as he returns south, and will take up the replacement or reconstitution of the committee with the PM if this proves necessary following DPM-level consultation.

130. (S/NF) Meanwhile, a commitment order has been issued mandating the transfer of all Bunker evacuees to the MOJ Rusafa Prison in Baghdad, which is monitored by U.S. DOJ personnel. We will press Iraqi investigating judges to set clear timelines for determining the legality of these detentions and releasing detainees not subject to criminal charge.

131. (S/NF) We intend to meet with MG al Kinani in the coming days to clarify his plans for nationwide inspections, and discuss alternate modi operandi. His initial mock-NGO espionage inspection proposal is creative, but is unlikely to produce useful assessments (and would outrage the humanitarian NGO community).

132. (S/NF) It is premature to conclude (although we suspect) that MG Kanini - a Shi'a officer and close associate of National Security Advisor Abd al Karim al Anzi - is incapable of mounting a credible national inspection regime. Post and MNF-I will engage him with detailed proposals on alternate methods of proceeding, and will report on further developments septel.
KHALILZAD